

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 05-10549  
Non-Argument Calendar

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**FILED**  
**U.S. COURT OF APPEALS**  
**ELEVENTH CIRCUIT**  
**September 6, 2005**  
**THOMAS K. KAHN**  
**CLERK**

D. C. Docket No. 03-03021-CV-S-NE

DEON SMITH,

Plaintiff-Appellant,

versus

SEAN O'KEEFE,  
Administrator, NASA,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Northern District of Alabama

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**(September 6, 2005)**

Before ANDERSON, DUBINA and KRAVITCH, Circuit Judges.

PER CURIAM:

Plaintiff-Appellant Deon Smith, a Caucasian male over age 60, appeals the

district court's grant of summary judgment in favor of the National Aeronautics and Space Administration ("NASA"). Smith filed a discrimination action against NASA under the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. § 2000e-2, 42 U.S.C. § 1981, and the Age Discrimination Employment Act, 29 U.S.C. § 626, alleging race, age, gender, and national origin discrimination in his non-selection for a supervisory position. The parties agreed that Smith established a prima facie case of discrimination, and that NASA put forth a legitimate, non-discriminatory reason for its selection. The district court determined that Smith failed to establish that this reason was a pretext for discrimination and, therefore, granted summary judgment. Smith now appeals.

We review a district court's grant of summary judgment de novo, viewing the evidence in the light most favorable to the party opposing the motion. Wilson v. B/E Aerospace, Inc., 376 F.3d 1079, 1085 (11th Cir. 2004); Green v. Union Foundry Co., 281 F.3d 1229, 1233 (11th Cir. 2002).

Upon our review of the record, we affirm the grant of summary judgment for the reasons set forth in the district court's thorough opinion dated December 28, 2004.

AFFIRMED.